MEMORANDUM FOR All Personnel Assigned to the West Point Military Reservation

SUBJECT: Prohibition of Retaliation Against Personnel for Reporting an Allegation of Sexual Assault

1. REFERENCES.

2. PURPOSE. To establish the United States Military Academy at West Point (USMA) policy on retaliation against personnel for reporting an allegation of sexual assault.

3. APPLICABILITY. This policy applies to all personnel, civilian and military, assigned or attached to West Point and USMA, including tenant units and contractors.

4. POLICY.
   a. Sexual assault is a criminal offense that has no place in the Army. See AR 600-20, paragraph 8-2. Every member of the West Point community – Soldier, Civilian and Family member - deserves to work and live in an environment where they feel safe, both physically and emotionally. For victims of sexual assault, creating a safe environment after reporting an allegation of sexual assault is a critical step in their personal recovery from trauma. Recovery can only occur in an environment free from retaliation.
b. For purposes of this policy, “retaliation” is defined in accordance with Army Directive 2014-20 and “bullying” is defined in accordance with Army Regulation 600-20, paragraph 4-19, as:

(1) taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense; or

(2) ostracism, which is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; or (c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice; or

(3) acts of cruelty, oppression or maltreatment, as defined under the Uniform Code of Military Justice, committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

(4) bullying behavior, which is defined as any conduct whereby a Servicemember or members, regardless of service, rank, or position, intend to exclude or reject another Servicemember through cruel, abusive, humiliating, oppressive, demeaning, or harmful behavior, which results in diminishing the other Service member’s dignity, position, or status. Absent outside intervention, bullying will typically continue without any identifiable end-point. Bullying may include an abuse of authority. Bullying tactics include, but are not limited to, making threats, spreading rumors, social isolation, and attacking someone physically, verbally, or through the use of electronic media.

c. Allegations of retaliation **identified in above paragraph 4b(1)** will be referred to and investigated by the Inspector General (IG) office. (Army Directive 2014-20). Commanders are required to coordinate with their unit Equal Opportunity Advisor (EOA) to ensure that all hazing or bullying allegations are recorded and tracked in the Equal Opportunity Reporting System (EORS). (AR 600-20, paragraph 4-19c). These allegations, **identified in above paragraphs 4(b)(2) through 4(b)4**, are investigated by the victims chain of command.

5. These allegations of retaliation, or bullying behaviors targeting the victims of sexual assault, not only make the road to recovery more difficult but discourage others from reporting this crime. Men and women who have the courage to report an allegation of sexual assault will be treated with dignity and respect at all times – they will not be retaliated against, nor will they be bullied. The Army is a values-based organization
where everyone is expected to do what is right by treating all persons as they should be treated – with dignity and respect.

6. PUNITIVE EFFECT: Soldiers who violate this policy may be subject to punishment under Article 92, UCMJ. Commanders and supervisors must seek advice and counsel of their legal advisor when taking actions pursuant to this policy. See AR 600-20, paragraph 4-19.

7. EXPIRATION. This policy is effective until superseded or rescinded.

8. PROPOSED. The USMA SARC Program Office is the proponent for this policy. The point of contact is the USMA SARC at (845) 938-3532.

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